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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,856	06/02/2004	Dere Newman	34714	6563
23589	7590	12/29/2005	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			VOGELBACKER, MARK T	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,856	<b>Applicant(s)</b> NEWMAN ET AL.	
	<b>Examiner</b> Mark T. Vogelbacker	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/15/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 7, paragraph [0029], line 1, the term “body 44” is not consistent with the rest of the specification which assigns reference number “40” to the “body”.

Page 9, paragraph [0033], line 1, insert the term “collet” before “cam 90” for consistency with the rest of the specification

Appropriate correction is required.

### ***Claim Objections***

2. Claim 10, 16 and 21 are objected to because of the following informalities:

Claim 10, line 1, insert an “a” before “locking mechanism”.

Claims 16 and 23, lines 2-3, replace “inner tubular section” with “inner pole section” and replace “outer tubular section” with “outer pole section” for consistency with the base claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said collet cam" in line 10 on page 17. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-10 are rejected under 35 U.S.C. 102(b) as anticipated by Polzin et al., US-5,983,455.

Polzin discloses the invention as claimed, including a pair of telescopically interfitted pole sections (30, 32), a locking mechanism (36), a fixture (12), a threadably mounted locking member (37) (col 4, lns 35-36) in the form of an annular ferrule and a securing element (20). The ferrule (37) has an outermost annular face, which directly abuts and engages the proximal end (14) of the fixture (12).

7. Claims 11-21 are rejected under 35 U.S.C. 102(b) as anticipated by Pharris, US-3,380,097.

Pharris discloses the invention as claimed, including an outer pole section (21), an inner pole section (51), a collet cam (25) and a chuck (40). The collet cam (25), disposed about and

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operatively coupled with the outer pole section (21), has a pair of axially projecting locking sections (31). The locking segments (31) have axially extending connection portions (30) and a region of increased thickness. The chuck (40), which is rotationally mounted to the outer pole section (21), has a camming portion (44) that engages the region of increased thickness of the locking segments (31) for frictional engagement with the outer pole section (21) (col 3, lns 48-54). Each of the locking segments (31) has an outermost arcuate edge and a cutline (32) axially spaced from, and parallel to, the corresponding edge. Further, the collet cam (25) has an inwardly extending stop (27) extending through the outer pole section (21).

Regarding claims 13 and 18, Pharris discloses each locking segment (31) being arcuate in cross section and presenting an inner surface having a radius of curvature with a central axis. The claimed phrase that “the central axes of said inner surfaces being offset from one another” is given no patentable weight since applicant has not disclosed that the offset inner surfaces solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without the offset surfaces.

Regarding claims 16 and 21, Pharris discloses that the chuck (40) and the collet cam (90) are cooperatively configured for locking the inner pole section (51) relative to the outer pole section (21) by rotation of said chuck (40). The claimed phrase “through an angle of less than about 45°” is given no patentable weight since applicant has not disclosed that the limited rotation solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without limiting the rotation of the chuck.

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, US-6,701,578 B1 in view of Van Der Sluis US-2005/0129456 A1.

Lu discloses the invention as claimed, including an inner (12) and outer (11) pole sections with the outer pole section (11) including a base and the inner pole section (12) reciprocal within and relative to the outer pole section (11). Further, Lu discloses an end plug (141) disposed at one end of the outer pole section (11). However, Lu does not mention a shock-absorbing pad or a backing plate. Van Der Sluis teaches the invention as claimed, including an inner (22) and outer (20) pole sections, a shock absorbing pad (12) and a rigid backing plate (10). The shock-absorbing pad (12), which is located within the outer pole section (20), has an engagement face that safely absorbs impact loads incident to unrestrained retraction of the inner pole section (22). Lu discloses that the pad may be made of any material that compresses under a load, which would include synthetic resin (pg 2, [0015], lns 7-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pole sections of Lu to include a shock absorbing mechanism, as taught by Van Der Sluis, to dampen the impact of the inner pole section (22) (pg 2, [0015], lns 1-4).

Regarding claim 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the end plug of metal, since it has been held to be within

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the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice (*In re Leshin*, 125 USPQ 416).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Vogelbacker whose telephone number is (571) 272-1648. The examiner can normally be reached on 8:00 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MTV

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PRIMARY EXAMINER